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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/641,773	08/18/2000	Kenneth R. Goguen	07072-938001	7321

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EXAMINER

TSAL, CAROL S W

ART UNIT

PAPER NUMBER

2857

DATE MAILED: 11/04/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/641,773

Applicant(s)

GOGUEN ET AL.

Examiner

Carol S Tsai

Art Unit

2857

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over U. S. Patent No. 5,953,686 to Hale et al. in view of JP 08241227 to Voigt et al.

With respect to claims 1-3, Hale et al. disclose a method for measuring system performance in a mass storage system, the storage system having a plurality of disk drive storage elements controlled by a disk drive controller, the controller receiving commands and data from and returning at least data to a plurality of host computers, the method comprising executing at least one host computer a test request by sending commands to the mass storage system (see Abstract, lines 13-17; col. 1, lines 65 to col. 2, line 3; col. 3, lines 37-59; col. 5, lines 26-44; and col. 6, lines 55-57), accumulating, at least the executing host computer, data regarding performance of the mass storage system, in response to the requests sent by the host computer (see Abstract, lines 17-23; col. Col. 2, lines 3-8; col. 3, line 60 to col. 4, line 43; and col. 6, lines 61-63).

Hale et al. do not disclose processing the accumulated data, regarding the performance of the mass storage system in response to the host generated commands, the processing comprising validating and correcting, as required, the accumulated data.

Voigt et al. teach processing the accumulated data, regarding the performance of the mass storage system in response to the host generated commands, the processing comprising validating and correcting, as required, the accumulated data (see Abstract, lines 1-7; solution, lines 1-11; and blocks 0023-0033).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Hale et al.'s method to include processing the accumulated data, regarding the performance of the mass storage system in response to the host generated commands, the processing comprising validating and correcting, as required, the accumulated data, as taught by Voigt et al., in order to improve the performance of the data storage system.

4. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hale et al. in view of Voigt et al. as applied to claims 1 and 2 above, and further in view of U. S. Patent No. 4,633,471 to Perera et al.

As noted above, with respect to claims 4 and 5, Hale et al. in combination with Voigt et al. teach all the features of the claimed invention, but do not disclose flagging any inconsistencies based upon expected results, and storing the flagged data in a system database.

Perera et al. teach flagging any inconsistencies based upon expected results, and storing the flagged data in a system database (see col. 13, lines 15-34; col. 14, lines 32-61; and col. 18, line 46 to col. 19, line 44).

Art Unit: 2857

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Hale et al. in combination with Voigt et al.'s method to include flagging any inconsistencies based upon expected results, and storing the flagged data in a system database, as taught by Perera et al., in order that erroneous data can be retrieved for comparison to provide the necessary data for carrying out steps of the error correcting process.

### *Response to Arguments*

5. Applicant's arguments filed 09/23/2002 have been fully considered but they are not persuasive.

Applicants argue that Voigt only discloses suggesting corrections to the system in order to improve its performance but Voigt does not teach validating and correcting data relating to system performance. The Examiner disagrees with Applicants. As set forth above, Voigt not only discloses corrections to the system in order to improve its performance but also discloses validating and correcting data relating to system performance (see Abstract, lines 1-7; solution, lines 1-11; and blocks 0023-0033; To provide a method for improving and specifying performance of storage system by which the performance of an operated storage system is evaluated with the purpose of monitoring or predicting such a state that gives an adverse influence on the performance and, when it is detected that the performance is not optimum, the user of the system is warned of it so that the user can take a measure to improve the performance and An evaluating period is selected and whether or not an arbitrary measuring standard meets the specification is discriminated (62). When one or more performance measuring standards do

Art Unit: 2857

not meet the specification, one or more proposals which are useful for improving the performance of the data storage system are given (68).)

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### ***Contact Information***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carol S. Tsai whose telephone number is (703) 305-0851. The examiner can normally be reached on Monday-Friday from 7:30 AM to 4:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc S. Hoff can be reached on (703) 308-1677. The fax number for TC 2800 is (703) 308-7382. Any inquiry of a


Art Unit: 2857

general nature or relating to the status of this application or proceeding should be directed to the TC 2800 receptionist whose telephone number is (703) 308-1782.

In order to reduce pendency and avoid potential delays, Group 2800 is encouraging FAXing of responses to Office actions directly into the Group at (703) 308-7382. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by applicants who authorize charges to a PTO deposit account. Please identify the examiner and art unit at the top of your cover sheet. Papers submitted via FAX into Group 2800 will be promptly forwarded to the examiner.

Carol S. Tsai

10/21/02

  
MARC S. HOFF  
SUPERVISORY PATENT EXAMINER  
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